

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CHRISTOPHER GRIEF,

Plaintiff,

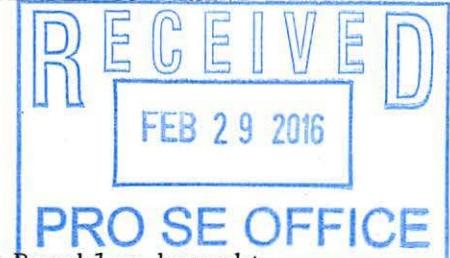
Case No. 15-CV-2465-PKC-J0

-against-

WARDEN H. QUAY,
in his official capacity,

Defendant.

SECOND AMENDED COMPLAINT



INTRODUCTION

This action is against the warden of MDC Brooklyn brought pursuant to the Religious Freedom Restoration Act ("RFRA") 42 U.S.C. § 2000bb for substantially burdening plaintiffs exercise of religion and for review of compliance with a federal regulation pursuant to the Administrative Procedures Act. ("APA")

JURISDICTION

1. This court has jurisdiction pursuant to 28 U.S.C. § 1331.

PARTIES

2. The plaintiff, CHRISTOPHER GRIEF, is currently incarcerated at the Metropolitan Detention Center in Brooklyn, NY. ("MDC Brooklyn")

3. Defendant, H. QUAY, is the warden of MDC Brooklyn. He is responsible for ensuring Federal Regulations are followed and for reviewing and deciding requests for religious accommodation at MDC Brooklyn. He is sued in his official capacity.

DENIAL OF DAILY TYPEWRITER ACCESS

4. The plaintiff uses a typewriter to prepare legal documents.

5. Plaintiff does not have access to use a typewriter on his housing unit.

6. The only time plaintiff has access to use a typewriter is for two hours, once a week.

7. Other housing units have typewriters available for inmate use.

8. On information and belief, prior to plaintiffs arrival at MDC Brooklyn each unit had at least one typewriter available for inmates to use.

9. The defendant denied plaintiffs request to have access to a typewriter on the unit.

RELIGIOUS BELIEFS

Plaintiff believes:

10. All of time and space is permeated by countless numbers of spirits that have attained enlightenment. A collective conscious.

11. Enlightenment is attained in the way of buddhism. Through good deeds and meditation you work to rid yourself of desire and suffering and gain karma and progress toward enlightenment.

12. You may live multiple physical lives to attain enlightenment but your spirit remains the same.

13. Once enlightenment is attained your spirit becomes part of the collective conscious.

14. These spirits can embody people, animals, and any objects to help guide you in meditation toward enlightenment.

15. The spirit guide must be physically present to guide you during meditation.

SUBSTANTIAL BURDEN OF RELIGIOUS EXERCISE

16. Plaintiff does not belong to any mainstream religion. His beliefs are his own.

17. His beliefs stem from his understanding of various religions like buddhism and native american and also from science and science fiction as well as his life experiences.

18. Plaintiff relates with animals very well but has difficulty relating with people.

19. Animals are what plaintiffs spirit guides are.

20. Plaintiff has owned an abundance of stuffed animals most of his life.
21. Plaintiff feels comfort around animals and stuffed animals.
22. They help plaintiff clear his thoughts in order to meditate
23. Plaintiff cannot clear his thoughts without them.
24. Plaintiff finds spiritual guidance from his stuffed animals during meditation.
25. Plaintiff meditates by sitting with an animal or stuffed animal while he clears his mind of all thought and focuses his attention and thought on the animal or stuffed animal.
26. Without being able to possess an animal or stuffed animal plaintiff cannot do any meaningful meditation.
27. MDC Brooklyn has a policy that anything not previously approved by the warden for possession by an inmate is contraband.
28. Stuffed animals are contraband.
29. The defendant has allowed other inmates to receive religious property sent to them via the mail.
30. Contraband cannot be received by any means, including mail.
31. Plaintiff is unable to receive a stuffed animal by any means without written approval by the defendant.
32. Plaintiff is not allowed to possess, in his property, a stuffed animal without written approval by the defendant.
33. Plaintiff submitted all the forms required to receive religious accommodation, requesting approval to receive and possess two stuffed animals, which were all denied by the defendant.

FIRST CLAIM: APA REVIEW OF CFR

34. 28 C.F.R. § 543.11(h) states "Unless clearly impractical, the warden shall allow an inmate preparing legal documents to use a typewriter."
35. Providing access to typewriters on the unit is practical.

SECOND CLAIM: RFRA

36. Plaintiff meditates to practice his religious beliefs.
37. Plaintiff can only meditate meaningfully with an animal or stuffed animal present.
38. Disallowing plaintiff to acquire and possess stuffed animals substantially burdens his practice of religion.
39. Disallowing plaintiff from the ability to possess stuffed animals is not the least restrictive means of furthering any compelling government interests.

PRAYER FOR RELIEF

WHEREFORE, the plaintiff requests relief as follows:

- (A) An order directing the defendant to provide, for plaintiffs use, a typewriter accessible daily on his unit.
- (B) Declare that disallowing plaintiff to possess stuffed animals substantially burdens his exercise of religion and that defendants actions/policies are not the least restrictive means of furthering any compelling government interests with respect to this relief.
- (C) An order directing the defendant to allow at least two stuffed animals to be ordered, received, and possessed by plaintiff.
- (D) Such other relief, as is just and proper under the circumstances.

DATED: February 23, 2016

Brooklyn, NY
Brooklyn, NY



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